



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/112,608	07/09/1998	AKIO OHBA	48444/SONYP	7119
24201	7590	07/12/2006	EXAMINER	
FULWIDER PATTON 6060 CENTER DRIVE 10TH FLOOR LOS ANGELES, CA 90045			SALCE, JASON P	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/112,608

Applicant(s)

OHBA, AKIO

Examiner

Jason P. Salce

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 55-60 is/are pending in the application.
- 4a) Of the above claim(s) 61-83 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 55-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of claims 55-60 in the reply filed on 4/25/2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 61-83 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/25/2006.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 55-57 and 59-60 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Berner et al. (U.S. Patent No. 5,813,913).

Referring to claim 55, Berner discloses an entertainment system (see Figure 1) in which plural entertainment devices (see Column 1, Lines 33-40 for multiple players

Art Unit: 2623

participating in the game) are interconnected via a communication channel (see Figure 1 how the game devices 12 are connected through either PSTN 21 or TV network 14).

Berner also discloses that said plurality entertainment devices are interconnected via a synchronization signal transmission channel (see transmission of game data and results through the VBI channel of the TV broadcast channels in Figure 1) and a status change information transmission channel (see tier advancement data being transmitted through the PSTN channel in Figure 1).

Berner also discloses that the at least one of said entertainment devices outputs picture signals in synchronism with synchronization signals transmitted from the entertainment device other than said at least one entertainment device via said synchronization signal transmission channel (see Column 4, Lines 24-28 for receiving resulting scores at the player's control unit via synchronization signal transmission channel 16 (Figure 1) and Column 3, Lines 44-52 for displaying the results on a display screen) based on status change information of said at least one entertainment device and the status change information sent from the other entertainment device (see Column 3, Lines 44-52 for filtering only results relating to the tier level of multiple players, which is communicated to the players through the status change information transmission channel 19 in Figure 1), said synchronization signal being a synchronization signal component contained in the picture signals of the other entertainment device (see again Figure 1 and Column 4, Lines 24-28 for the synchronization signals (game scores) being transmitted through link 16 in the VBI channel).

Referring to claim 56, Berner discloses a memory in which picture data is written (see memory 20 in Figure 1, which stores the current tier level, which is not only displayed to the player (see block 38 in Figure 2), but also determines what other types of picture data is displayed to the player (see Column 3, Lines 44-52)).

Berner also discloses a display control means having a synchronization signal input terminal to which are entered synchronization signals from outside, sent over said synchronization transmission channel (see player control unit 12 receiving game data and results over the VBI of the TV channels which controls what will be displayed on TV 17 in Figure 1).

Berner also discloses that said display control means has the function of outputting as picture signals, picture data written in said memory in synchronism with said synchronization signals from outside (see Column 3, Lines 27-35 and Lines 44-52 for outputting picture data (game scores) in accordance with the tier received).

Referring to claim 57, again note the rejection of claim 1 for displaying game scores for a player only if the scores are related to other users (including himself) that are in the same tier level.

Referring to claim 59, Berner discloses that the display control mean further includes a picture input terminal to which picture signals from outside are entered and has the function of writing the input picture signals in memory (see the rejection of claim 56 for receiving the tier level and displaying the result and also receiving game scores and displaying them to the player, either of which can be considered picture signals stored in memory).

Referring to claim 60, Berner discloses that said picture signals of the other entertainment device are signals for displaying video in a display unit connected to said other entertainment device (see Figure 1 for the control unit having a TV for displaying picture signals and Column 1, Lines 33-40 for the system having multiple players).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berner et al. (U.S. Patent No. 5,813,913) in view of Barker (U.S. Patent No. 5,538,255).

Referring to claim 58, Berner discloses all of the limitations of claim 56, but fails to teach bringing the frame numbers of the picture signals into coincidence using said synchronization information signals for achieving frame synchronization.

Barker discloses a multiple player game system which brings the frame numbers of the picture signals into coincidence using said synchronization information signals for achieving frame synchronization (see Figure 1 and Column 8, Lines 38-41).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the game system, as taught by Berner, to receive the information which allows frame synchronization, as taught by Barker, for the purpose of assuring that the game environment displayed by a local video game controller is

identical to a game environment displayed by a remote video game controller operated by the opposing player (see Column 1, Lines 21-25 of Barker).

### ***Conclusion***

**4. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

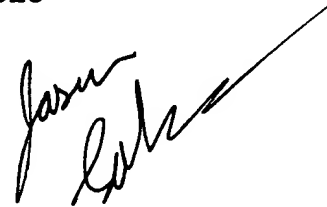
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce  
Primary Examiner  
Art Unit 2623

July 6, 2006

A handwritten signature in black ink, appearing to read "Jason Salce", with a long, sweeping horizontal line extending to the right.